

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 9/02/2016
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BRIDGET MARKS, as PERSONAL	:	
REPRESENTATIVE OF THE ESTATE OF	:	
ALVIN M. MARKS,	:	
	:	1:14-cv-8965-GHW
Plaintiff,	:	<u>ORDER</u>
	:	
-v -	:	
	:	
RACHEL SCALABRINI,	:	
	:	
Defendant.	:	
-----X	:	

GREGORY H. WOODS, United States District Judge:

On November 16, 2016, Plaintiff filed its cross-motion for summary judgment in this matter. *See* Dkt. 97. That same day, Plaintiff filed a letter motion requesting that the Court permit it to redact certain portions of its papers in support of its motion due to the fact that non-party Energy Materials Corporation (“EMC”) had designated certain information as confidential. *See* Dkt. 102.

This Court directed EMC to file a letter brief in support of the proposed redactions, Dkt. 106, which EMC did on November 19, 2015. *See* Dkt. 115. The Court held two telephone conferences regarding the proposed redactions on November 23, 2015 and December 3, 2015, during which the Court issued preliminary oral rulings on EMC’s requested redactions. The Court noted during those telephone conferences that, if it found that it was necessary to rely on any of the redacted information in rendering its decision on the pending motions, the Court would likely modify its preliminary decisions so that the relied-upon information was included in the public record. Thereafter, both Plaintiff and Defendant Rachel Scalabrini filed redacted versions of their papers that complied with the Court’s preliminary rulings.

On September 2, 2016, the Court issued its decision denying Defendant’s motion for summary judgment, Dkt. 92, and Plaintiff’s cross-motion for summary judgment, Dkt. 97. The


Court's preliminary oral decisions regarding the permitted redactions are now modified as follows and made final:

- 1) Plaintiff is directed to file, as Exhibit 15 to its cross-motion for summary judgment, the pages of the Deluca deposition transcript referenced in the Court's September 1, 2016 Memorandum Opinion and Order, namely pages 42, 43, 97, 102, 103, 105, 106, and 121.
- 2) Defendant is directed to file, as Exhibit 13 to her motion for summary judgment, the letter from Dr. Deluca to Jamie Aitken previously filed under seal as Defendant's Exhibit 13. The Court anticipates that EMC will wish to redact the pricing information contained in paragraphs 3, 4, 5, 6, 7, and 8 of this letter. The dollar amounts in those paragraphs may be redacted. Defendant Scalabrini is directed to confer with counsel for EMC prior to filing the letter to confirm whether it wishes that such pricing information be redacted.
- 3) The parties are directed to file a version of their Rule 56.1 statement, Dkt. 123, removing the redactions in paragraph 58.

The Clerk of Court is instructed to terminate the motions pending at Dkt. Nos. 102 and 115.

SO ORDERED.

Dated: September 2, 2016
New York, New York



GREGORY H. WOODS
United States District Judge